

Date

Michael Higgins
Schulman, Lopez, Hoffer & Adelstein, LLP
1100 Poydras Street, Suite 2900
New Orleans, LA 70136

Re: Ethics Board Docket No. 2016-325

Dear Mr. Higgins:

The Louisiana Board of Ethics, at its May 20, 2016 meeting, considered your request for an advisory opinion as to whether Bricolage Academy, a Type 1 charter school authorized by the Orleans Parish School Board, may employ Erin Denson to work in a teaching position for the 2016-17 school year. You stated that Erin Denson is the spouse of Josh Denson, the Executive Director of Bricolage Academy. You also stated that Erin Denson is currently certified by the State of Louisiana to serve as a classroom teacher and her primary job duty, were she to be hired, would be as a classroom teacher. Finally, you stated that Erin Denson would be hired by the Lower School Director who would have managerial and supervisory authority over her.

The Board concluded, and instructed me to inform you that the Code of Governmental Ethics does not prohibit Erin Denson from being employed as a classroom teacher at Bricolage Academy while her husband serves as its executive director. La. R.S. 42:1119B prohibits an immediate family member of a member of a governing authority or the chief executive of a governmental entity from being employed by the governmental entity. However, La. R.S. 42:1119B(2)(a)(i) provides an exception to permit the employment of an immediate family member of a school board member or of the superintendent if the person is employed as a certified classroom teacher. In this instance, the Board advises that the executive director of a charter school is comparable to a superintendent of a local school board. Because Erin Denson would be employed as a certified classroom teacher, her employment with Bricolage Academy is not prohibited by La. R.S. 42:1119B.

In addition, the Board concluded, and instructed me to inform you that La. R.S. 42:1112B(1) would prohibit Josh Denson from participating in the supervision and management of Erin Denson's employment with Bricolage Academy. La. R.S. 42:1112B(1) prohibits a public servant from participating in a transaction involving his governmental entity in which a member of his immediate family has a substantial economic interest. As such, La. R.S. 42:1112C would require Josh Denson to disqualify himself from participating in matters involving his wife's employment. A disqualification plan must be confected in accordance with La. R.S. 42:1112C and Chapter 14 of the Administrative Rules for the Board of Ethics. The disqualification plan, which must be approved by the Board of Ethics, should completely remove Josh Denson from any responsibility regarding his wife's employment with the Bricolage Academy. A copy of Chapter 14 of the Administrative Rules for the Board of Ethics is enclosed.

This advisory opinion is based solely on the facts as set forth herein. Changes to the facts as presented may result in a different application of the provisions of the Code of Ethics. The Board issues no opinion as to past conduct or as to laws other than the Code of Governmental Ethics. If you have any questions, please contact me at (800) 842-6630 or (225) 219-5600.

Sincerely,

LOUISIANA BOARD OF ETHICS

Jennifer T. Land
For the Board

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THIS IS NOT AN OPINION OF THE
BOARD OF ETHICS